

**CLARK COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DEVELOPMENT SERVICES**

**STAFF ANALYSIS  
& RECOMMENDATION**

**HEARING DATE:**

July 23, 2009

**DEVELOPMENT NAME:**

**ENGLISH CONDITIONAL USE PERMIT**

**CASE NUMBERS:**

**CUP2009-00005; PSR2009-00021; SEP2009-00041;  
CRA2009-00002**



# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION



**Project Name:** ENGLISH CONDITIONAL USE PERMIT

**Case Number:** CUP2009-00005; PSR2009-00021; SEP2009-00041;  
CRA2009-00002

**Location:** 26710 NE 19<sup>th</sup> Street

**Request:** The applicant requests conditional use and site plan approval to retain and expand an existing auto mechanic business and add a dwelling unit, on a 0.4 acre site located in the Rural Commercial (CR-1) zone.

**Applicant:** Lucas English  
26710 NE 19<sup>th</sup> Street  
Camas, WA 98607  
(360)210-7484

**Contact Person:** David Rosenberger  
Minister Glaeser Surveying Inc.  
2200 E. Evergreen Blvd.  
Vancouver, WA 98661  
(360)694-3313; dwr@mgsurvey.com

**Property Owner:** Gene English  
26710 NE 19<sup>th</sup> Street  
Camas, WA 98607

## **RECOMMENDATION**

**Approval, subject to Conditions**

**Team Leader's Initials:** MB **Date Issued:** July 8, 2009

**Public Hearing Date:** July 23, 2009

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone</u></b> (360) 397-2375 Ext.	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Alan Boguslawski	4921	Alan.boguslawski@clark.wa.gov
<b>Engineer:</b> (Trans. & Stormwater)	Doug Boheman PE	4219	David.bottamini@clark.wa.gov
<b>Engineer:</b> (Trans. Concurrency)	David Jardin	4354	David.jardin@clark.wa.gov
<b>Manager:</b>	Michael Butts	4137	Michael.butts@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. & Stormwater)	Sue Stepan PE	4064	Sue.stepan@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency)	Steve Schulte PE	4017	Steve.schulte@clark.wa.gov
<b>Fire Marshal:</b>	Tom Scott	3323	Tom.scott@clark.wa.gov

**Comp Plan Designation:** Rural Commercial

**Parcel Number:** Parcel 173624-000, located in the SE Qtr of Section 23, Township 2 North, Range 3 East of the Willamette Meridian.

**Applicable Laws:**

Clark County Code (CCC) 15.12 (Fire), 40.230.010 (Commercial Districts), 40.320 (Landscaping/Screening), 40.340 (Parking), 40.350 (Transportation), 40.360 (Solid Waste/Recycling), 40.370 (Sewer/Water), 40.380 (Stormwater/Erosion Control), 40.410 (CARA), 40.500 (Procedures), 40.510.030 (Type III Process), 40.520.030 (Conditional Use Permits), 40.520.040 (Site Plan Review), 40.550.020 Variances, 40.570 (SEPA), 40.610 (Impact Fees), & Title 24 (Public Health).

**Neighborhood Association/Contact:**

Washougal River Neighborhood Association  
Kevin Addis  
512 NE 302nd Ave  
Washougal, WA 98671

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the

same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 8, 2009. The pre-application qualified to be contingently vested as of December 19, 2008.

The fully complete application was submitted on May 20, 2009 and determined to be fully complete on May 21, 2009. Given these facts the application is vested on December 19, 2008.

### **Time Limits:**

The application was determined to be fully complete on May 21, 2009. Therefore, the County Code requirement for issuing a decision within 92 days lapses on August 21, 2009. The State requirement for issuing a decision within 120 calendar days, lapses on September 18, 2009.

### **Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, the Washougal River Neighborhood Association, SEPA Agencies, and owners of property located within 500 feet of the site on June 4, 2009. One sign was posted on the subject property and two within the vicinity on July 8, 2009.

### **Public Comments:**

The county received one public comment letter in response to the public notice. The letter contains comments opposing the proposed use of the site; however, the letter writer wishes to remain anonymous. Therefore, staff has not entered the letter into the record for this case.

### **Project Overview**

The 0.4 acre site contains an existing 1,937 square foot structure currently used as a mechanic's shop. The business is the subject of a Code Enforcement case (CDE2007-01491) due to the lack of permits.

The applicant proposes to obtain permits for the existing business, as well as to expand the mechanic shop by approximately 2,377 square feet and to add a second story residence.

Access to the site is provided from NE 19<sup>th</sup> Street abutting the site on the south via two existing driveways. The westerly driveway will be abandoned. NE 267<sup>th</sup> Avenue (SR 500) abuts the site on the west.

The property abutting the site on the north and west is a vacant field. West of the site across NE 267<sup>th</sup> Avenue is a residence, and south across NE 19<sup>th</sup> Street is the Fern Prairie Market and other small businesses.

The site has an on-site well for water and an on-site septic system for sewer. The site is located within the East County Fire District.

Comprehensive Plan, Zoning and Current Land Use:

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural Commercial	Rural Commercial (CR-1)	Mechanic Shop
North	Rural Commercial	Rural Commercial (CR-1)	Vacant
East	Rural (R-5)	Rural (R-5)	Vacant
South	Rural (R-5)	Rural (R-5)	Commercial
West	Rural (R-5)	Rural (R-5)	Residential

### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

## LAND USE:

### Finding 1     Uses

Vehicle repair shops located entirely within an enclosed building are allowed in the CR-1 zone subject to approval of a Conditional Use Permit (CUP) and site plan approval. The narrative states that the proposal is to continue the operation of the auto repair shop owned by the applicant; and that the auto shop is a historical use of the property. However, this use is nonconforming under the CR-1 zoning without benefit of a conditional use permit; therefore, the scope of this review includes the use of the existing building as well as the proposed expansion.

The narrative states that the existing building is known to have been an automobile repair shop, as evidenced on the original septic permit for the site; however, the narrative goes on to state that it was used as a wood shop by the current owner until he let his son use it for the auto repair business. Based upon this information, the historic auto repair use has lost its status as a legal nonconforming use. CCC 40.530.050(A)(1) states that nonconforming uses shall be considered abandoned and discontinued in terms of legal nonconforming status if the legal nonconforming use ceases for a period of six months or more, or is changed to a conforming use.

Any outdoor storage or repair of vehicles is specifically prohibited in the CR-1 zone, pursuant to Table 40.230.010-1(5)(g)(2). A condition to this effect is warranted. (see Condition H-1)

The proposed residence is permitted in the CR-1 zone, in conjunction with a use permitted outright or by conditional use (CCC Table 40.230.010-1(1)(i)). Therefore, the residence is allowed only if the auto repair shop is approved.

### Finding 2     Rural Commercial Use Criteria

Footnote 1 of CCC Table 40.230.010-1 provides additional requirements for allowing the auto repair use in the CR-1 zone. The review authority must find that:

- a. The proposed use will support the natural resource activities and/or the needs of the rural community;*
- b. The proposed use is limited in size to serve primarily the surrounding rural community and does not require or create the need for urban levels of service for water, sewer and transportation; and*
- c. The proposed use is primarily for convenience and service needs necessary to support natural resource activities and/or the rural community and will not cause adverse impacts on surrounding natural resource activities.*

In response to criterion *a*, the applicant argues that the proposed business will serve the rural community by servicing the vehicles owned by rural residents in the vicinity. The nearest auto repair shop is approximately 4 miles away in Camas. The applicant's narrative also states that the existing business has in the past been

working with high performance cars. (The business has been operating as “English Racing”). However, the applicant now proposes to serve the vehicle service needs of the local rural community. A condition of approval to this effect is warranted. (see Condition H-2)

In response to criterion *b*, the applicant states that the shop will be limited to three repair bays. Staff finds that the limited size of the site and the proposal will limit the scope of the development. The development will rely on on-site wells and septic systems, and will not create a need for urban level services.

In response to criterion *c*, the applicant argues that the surrounding rural community has a need for vehicle repair and should not have to travel to urban areas for these services. The site is located adjacent to other commercial businesses serving the rural area, making the applicant's services convenient.

Staff finds that this criterion requires the business activities to serve the local rural community as a primary mission. (see Condition H-1)

Staff further finds that the proposal is unlikely to result in adverse impacts on surrounding natural resource activities, due to the location and the limited size of the business and its activities.

Therefore, staff concludes that, subject to the conditions of approval, the criteria in Footnote 1 of CCC Table 40.230.010-1 will be met.

### Finding 3 Development Standards

CCC 40.230.010(D) provides standards for developments in the CR-1 zone. Minimum setback standards in the commercial zones are based on the applicable landscape buffers required in CCC Table 40.320.010-1. (see Finding 4, below)

In accordance with CCC 40.230.010(D)(4), not less than 15% of the total lot area shall be landscaped. The site plan indicates that approximately 29% of the site area will be in landscaping.

### Finding 4 Landscaping

Landscape buffers are required around the perimeter of the site, in accordance with CCC Table 40.320.010-1, as follows:

- North (abutting CR-1): 5-foot buffer with L1 landscaping
- East (abutting R-5): 10-foot buffer with L4 landscaping/screening  
Or 15-foot buffer with L5 landscaping/screening
- West & south (abutting streets): 10-foot buffer with L2 landscaping

The applicant's revised landscape plan (Exhibit #12) provides the required buffers and plantings, except along the south property boundary, where the plan proposes a 5-foot (rather than 10-foot) buffer with L2 screening and plantings.



The applicant's attorney argues in Exhibit #11 that CCC 40.320.010 should be interpreted such that subsection E of that section should prevail over the buffer prescribed in Table 40.320.010-1. Subsection E prescribes that "a minimum five (5) foot strip landscaped to at least an L2 standard or a minimum ten (10) foot wide strip landscaped to at least an L1 standard shall be provided where vehicle parking or loading abuts a public road right-of-way."

Based upon legal advice from the Clark County Prosecuting Attorney's staff regarding a legal interpretation of CCC 40.320.010, staff finds that the applicant's preliminary landscape plan meets the applicable landscaping requirements, as proposed.

Required landscaping shall be installed prior to issuance of a certificate of occupancy. (see Condition F-1)

#### Finding 5     Parking

Parking standards are provided in CCC 40.340.010. In accordance with Table 40.340.010-3, the minimum number of parking spaces required for service and repair shops is 1 space per 750 square feet of floor area. According to the revised narrative, the total gross floor area of the building is 6,806 square feet. The residential garage and living space occupies 3,059 square feet, leaving 3,747 square feet as the shop area. A portion of the enclosed shop area (846 sq ft) is to be devoted to parking vehicles that are in for service, because the auto repair use is required to be entirely enclosed. Thus, in accordance with CCC 40.340.010(B)(1), the interior parking area may be excluded from the calculation of parking requirements. Therefore, based on 2,901 square feet of shop area, a minimum of four parking spaces are required, including one accessible space designed to ADA standards. The site plan provides five parking spaces.

Two parking spaces are required for the proposed residence. These are provided in two proposed garages.

The proposed accessible parking space needs to provide an access aisle and an accessible route of travel to the building entrance. (see Condition A-1.a.)

The building elevation and floor plans depict an overhead garage door and vehicle entrance located on the south wall of the west addition. The proposed location of the accessible parking space will conflict with vehicular access to that entrance. (see Condition A-1.b.)

#### Finding 6     Solid Waste

Storage areas for solid waste and recyclables are required in accordance with CCC 40.360. The preliminary site plan does not identify a solid waste enclosure. Therefore, the site plan must be amended. (see Condition A-1.c.)

**Conclusion (Land Use):**

Based on the above findings, staff concludes that the proposed preliminary plan, subject to the conditions of approval itemized below under Conditions of Approval does or can meet the Land Use Requirements of Clark County Code.

**TRANSPORTATION:****Finding 7 Frontage Roads**

NE 19<sup>th</sup> Street, fronting the site on the south, is classified as a Rural Major Collector and currently there are 30 feet of half-width right-of-way along the site's frontage. NE 19<sup>th</sup> Street has approximately 25 feet of paved width. No frontage improvements along NE 19<sup>th</sup> Street are proposed or required. SR 500 is adjacent to the west of the site. There are 50 feet of existing half-width right-of-way on the applicant's side and a total paved width of approximately 25 feet.

**Finding 8 Access Management**

NE 267<sup>th</sup> Avenue (SR 500) fronts the site on the west. No access to SR 500 currently exists or is proposed. NE 19<sup>th</sup> Street fronts the site on the south. Two accesses exist and one will be closed off with this proposal. The westernmost existing driveway will be abandoned. The easternmost driveway will be utilized for access and improved to county standards. This location will be farther to the east of the intersection with SR 500 which will be a safer location as it will be directly across from an existing access point to the Fern Prairie Market on the south side of NE 19<sup>th</sup> Street.

The intersection of the proposed access point will be required to be paved from the edge of the public road to the right-of-way or to twenty feet from the edge, whichever is greater. (see Condition A-3.a.)

**Finding 9 Sight Distance**

There is no posted speed limit on NE 19<sup>th</sup> Street, so a 50 mph speed is assumed, per CCC 40.350.030(B)(8)(a). Said code section requires a minimum sight distance measured from an eye height of 3.5 feet above the controlled road at least 15 feet from the edge of the vehicle travel lane of the uncontrolled public road to an object height of 4.25 feet on the uncontrolled public road. Per CCC Table 40.350.030-11, for a speed limit of 50 miles per hour a minimum of 500 feet of sight distance is required.

Currently there is a chain link fence located within the right-of-way that blocks the view at 15 feet back from the edge of the travel lane. The inadequate sight distance is the sole result of the obstruction created by the existing chain link fence when trying to see through it at an acute angle. The applicant proposes to remove the fence from the existing right-of-way as part of this development, which will allow 500 feet of sight distance to the east and clear sight distance to the intersection of NE 19<sup>th</sup> Street and NE 267<sup>th</sup> Avenue to the west. (see Condition A-3.b.)

The existing conditions on-site currently do not meet the sight distance requirements of CCC 40.350.030(B)(8)(b) and Table 40.350.030-11; however, based on the proposed removal of the fence the applicant will meet the minimum sight distance requirements.

**Conclusion (Transportation):**

Staff concludes that the proposed preliminary plan, subject to conditions identified under Conditions of Approval below, meets the transportation requirements of Clark County Code.

**STORMWATER:**

**Finding 10 Applicability**

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in the addition or replacement of more than one thousand (1,000) square feet of impervious surface for any of the development activities, or redevelopment listed in CCC 40.380.040(B)(7)(a) and (B)(7)(b), building areas excluded.

In accordance with CCC 40.380.040(B)(7)(a)(8), development activities or redevelopment involving vehicle maintenance and repair facilities require API or CPS-type oil/water separators, and subsection (B)(7)(b)(3) further clarifies other activities where the risk of oil spills or illegal dumping of oil or grease is significant.

This project will involve a vehicle maintenance and repair facility that, without the required CARA mitigations (see Finding 13 below), could potentially result in oil spills and/or dumping of oil or grease. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion. A plan is required for all projects meeting the applicability criteria listed in CCC 40.380,050. This project is subject to the erosion control ordinance.

**Finding 11 Stormwater Proposal**

The applicant proposes to achieve the required stormwater quantity control for the proposed roof and parking lot in an underground detention prior to release into an existing roadside open channel conveyance system storm-line located near the southwest corner of the site. As proposed, the stormwater mitigation facility shall release the post developed 2 year, 10 year, and 100 year occurring 24 hour storm events to their following respective pre-developed flow rates: half of the 2 year, 10 year, and 100 year occurring 24 hour storm events.

Stormwater quality control for the parking lot is proposed to be accomplished with the use of a below ground filter vault. The stormwater quality mitigation facilities shall be designed to treat 70% of the 2 year occurring 24 hour storm event.

The stormwater mitigation facilities as proposed will be a privately owned and privately maintained.

**Finding 12 Site Conditions and Stormwater Issues**

The property is 0.40 acres in area with slopes of 0-5% over 91% of the parcel and 5-10% over 9% of the parcel. The site has an existing 1,937 sq ft shop building that will remain and undergo improvement. The existing parking lot will have additional pavement added and the existing pavement improved. There is one well on-site, located inside of the building.

The site will be improved to expand space for repair, new parking lot and facilities, landscaping, and a residential dwelling unit with the expanded shop. It is anticipated that approximately 1,123 square feet of net new impervious surface will be created with the improvement of this property. A preliminary stormwater TIR (Technical Information Report) has been submitted with the proposed site-plan.

The National Resources conservation service mapping shows the site to be underlain by Hillsboro soils (HcB), classified by AASHTO as A-4. These soils are designated as hydrologic group "B" CCC 40.380 does not list A-4 soils as suitable for infiltration; therefore, disposal of stormwater runoff by infiltration is not proposed and quantity control is to be achieved by detention.

Runoff quantity control requirements will be met by using an underground detention facility consisting of Stormtech SC-310 detention chambers. The storm runoff proposes to discharge the detained stormwater runoff into the existing roadside open channel stormwater conveyance channel. The point of discharge to this conveyance channel is located near the southwest corner of the site. In accordance with the provisions of Section CCC 40.380.040(B)(2), all development activities required to prepare a final stormwater control plan shall conduct an analysis of off-site water quality impacts resulting from the development activities and shall mitigate their impacts. This project will be required to perform an offsite analysis extending a minimum of one-fourth of a mile downstream from the development. (see Condition A-4.a.)

The applicant will need to obtain any construction permits as necessary from other municipalities prior to performing any work in their jurisdictions. (see Condition A-4.b.)

**Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions of approval identified below, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **CRITICAL AQUIFER RECHARGE AREAS**

### **Finding 13 CARA**

The applicant is proposing an automobile repair business within a Critical Aquifer Recharge Area (CARA 1). In accordance with CCC 40.410.020(A)(12) Vehicle repair, recycling, and recyclable materials – automotive activities within a CARA I require a CARA permit. The applicant has applied for a CARA permit and has provided a CARA Level I Site Evaluation Report prepared by Environmental Technology Consultants stamped and signed by Tim O’Gara, LG, LHg, a Washington State licensed geologist. A condition is warranted requiring the applicant to employ the recommendations in this report in order to prevent ground water contamination. (see Condition H-3)

## **FIRE PROTECTION:**

### **Finding 14 Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

### **Finding 15 Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.

### **Finding 16 Fire Flow**

Fire flow in the amount of 1,750 gallons per minute supplied for 2 hours duration is required for this application. Fire flow is based upon a 3,444 sq. ft. type V-B constructed building. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. In lieu of fire flow and hydrant, a monitored fire sprinkler system with a tank and pump system would be acceptable alternative, as approved by the Fire Marshal. (see Condition A-6.a.)

Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Condition B-5)

### **Finding 17 Fire Hydrants**

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no

portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. (see Condition A-6.b.)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. In lieu of fire flow and hydrant, a monitored fire sprinkler system with a tank and pump system would be acceptable alternative, as approved by the Fire Marshal. (see Condition A-6.c.)

#### Finding 18 Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. Maintain access roads with an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Fire apparatus turnarounds are not required for this application.

#### **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to the conditions listed under Conditions of Approval below, meets or can meet the fire protection requirements of the Clark County Code.

#### **WATER & SEWER SERVICE:**

#### Finding 19 Utilities

This rural site is not served by public water or sewer. The site has an existing well and septic system. The applicant proposes to drill a new well to provide water and to decommission the existing well. He now proposes to decommission the existing septic system and construct a new on-site system for sewage disposal (see Exhibit # 13).

#### Finding 20 Health Department

The Clark County Health Department conducted a Development Review Evaluation dated January 14, 2008, submitted by the applicant (Exhibit #5, item 11). The Health Department submitted a revised Development Review Evaluation (Exhibit #13) based on the applicant's revised septic system proposal. The Health Department makes the following findings:

- The proposal is for up to four employees in the business and a two bedroom residence.
- An effective curtain ditch on the north side of the on-site sewage system area is critical for proper functioning of the system.
- No portion of the on-site sewage system may be under the parking area. (see Condition A-1.d.)

- Health Department approval of the design for the new sewage system must be obtained prior to final site plan approval. (see Condition A-1.e.)
- The Health Department estimates that, if all requirements are met, the building could generate up to a total peak flow of 300 gallons per day, broken down in the preliminary design proposal as up to four employees and a two bedroom residence.
- No oils or floor drainage can be directed into the on-site sewage system (see Condition H-4)
- The proposed new well site requires that a well site evaluation be approved. Small Public Water Supply conditional approval and proper decommissioning of the existing well shall be completed prior to final site plan approval. (see Condition A-1.f.)

### **Conclusion (Water & Sewer Service):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets or can meet the water and sewer service requirements of the Clark County Code.

### **IMPACT FEES:**

#### **Finding 21 Impact Fees**

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 & 40.620. The site is located within the Rural 1 TIF Sub-area with a fee rate of \$338 per new trip. The adjusted trip rate for an auto repair shop (ITE 942) is 33.8 trips per thousand square feet. The adjusted trip rate for a residential apartment (ITE 220) is 6.63 trips.

TIF is calculated as follows, where:

F = Fee rate

T = adjusted daily trips

A = 15% reduction adjustment for future tax revenues

BEF = Business Enhancement Factor

PB = Pass-by factor

$$\text{TIF} = F \times T \times A \times \text{BEF} \times \text{PB}$$

$$\text{TIF} = \$338 \times (33.8 \times 2.904) \times 0.85 \times 0.7 \times 1$$

$$\text{TIF} = \$19,740.00 \text{ (2,904 sq ft auto shop)}$$

$$\text{TIF} = \$338 \times (6.63 \times 1) \times 0.85 \times 1 \times 1$$

$$\text{TIF} = \$1,904.80 \text{ (residence)}$$

The residence is also subject to school impact fees (SIF). The site is located in the Camas School District with a school impact fee of \$5,785.41

Impact fees are payable prior to issuance of a building permit. (see Condition E-1).

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- **MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval); or,**
- **DNS = Determination of Non-Significance (The impacts can be addressed by applying the County Code).**

### Determination:

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on April 8, 2009 is hereby final.

### SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;



2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.020(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Alan Boguslawski, Planner II  
(360) 397-2375 ext 4921

**Responsible Official:** Michael V. Butts, Development Services Manager

## RECOMMENDATION

Based upon the revised plan (identified as Exhibit #12), and the findings and conclusions stated above, staff recommends that the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction/Site Plan Review** **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Site Plan** – The applicant shall submit and obtain county approval of a final site plan in conformance to CCC 40.520.040 and the following conditions of approval:
- a. The site plan shall be amended as necessary to provide an accessible route of travel to the main building entrance from the ADA accessible parking space. (see Finding 5)

- b. The site plan shall be amended as necessary to rectify the conflict between the accessible parking space and access to the proposed vehicle entrance into the west building addition. (see Finding 5)
- c. The final site plan shall provide a storage area for solid waste and recyclables. The final plans shall provide details of the solid waste enclosure adequate to verify compliance with the size and design standards in CCC 40.360. (see Finding 6)
- d. No portion of the on-site sewage system may be under the parking area. (see Finding 20)
- e. Prior to final site plan approval, the applicant shall obtain approval of the design for the new on-site sewage system from the Clark County Health Department. (see Finding 20)
- f. The final site plan shall show the locations of the new water well and the decommissioned well. Small Public Water Supply conditional approval and proper decommissioning of the existing well shall be completed prior to final site plan approval. (see Finding 20)
- g. The applicant shall submit the proposed stormwater plan to the Health Department for review. (see Finding 20)

**A-2 Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan with the following:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:  
 "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**A-3 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The intersection of site's access with the public road shall be paved from the existing edge of pavement to either 20 feet or to the property line, whichever is greater. (see Finding 8)

- b. Sight distance at the access point of the site when looking onto the public road shall be improved in accordance with the recommendation stated in the applicant's Sight Distance Certification. (see Finding 9)

**A-4 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall perform a downstream analysis in accordance with CCC 40.380.040(B)(2). (see Finding 12)
- b. The applicant shall obtain any required permits from other WSDOT prior to performing work in their jurisdiction. (see Finding 12)

**A-5 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

**A-6 Fire Marshal Requirements:**

- a. Fire flow in the amount of 1,750 gallons per minute supplied for 2 hours duration is required for this application. Prior to obtaining building permits, submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. Fire flow is based upon a 3,444 sq. ft. type V-B constructed building. In lieu of fire flow and hydrant, a monitored fire sprinkler system with a tank and pump system would be acceptable alternative, as approved by the Fire Marshal. (see Finding 16)
- b. Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. In lieu of fire flow and hydrant, a monitored fire sprinkler system with a tank and pump system would be acceptable alternative, as approved by the Fire Marshal. (see Finding 17)
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local district fire chief approves the exact locations of fire hydrants. (see Finding 17)

**A-7 Other Documents Required** – The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: - A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.

**A-8 Excavation and Grading** - Excavation / grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

- B-1 Demolition** – Prior to demolition or removal of any existing structures the applicant shall obtain a demolition permit from the Clark County Building Department. (see Finding 16)
- B-2 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-3 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-4 Erosion Control** - Erosion control facilities shall not be removed without County approval.
- B-5 Fire Marshal Requirements** - Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. (see Finding 16)

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

**C-1    None**

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1    Not Applicable**

<b>E</b>	<b>Building Permits</b> <b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

**E-1    Impact Fees** – Prior to issuance of a building permit, the applicant shall pay Traffic and School Impact fees to the Clark County Building Department in the following amounts:

\$21,644.80 – Traffic Impact Fee (Rural 1 TIF District)

\$1,904.80 – School Impact Fee (Camas School District)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. (see Finding 21)

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

**F-1    Landscaping** – Prior to the issuance of an approval of occupancy, the applicant shall submit a copy of the approved final landscape plan with a letter signed and stamped by a landscape architect licensed in the State of Washington certifying that the landscape and irrigation have been installed in accordance with the attached approved plans and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. (see Finding 4)

**F-2    Water & Sewer** – The applicant shall provide documentation from the Clark County Health Department showing that the on-site well and septic system have been inspected and approved. (see Finding 20)

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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**G-1 Expiration of Land Use Approvals** - Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.

**G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-3 Building Elevation Approvals** – Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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**H-1 Outdoor Storage & Repair** – Outdoor storage or repair of vehicles on this site is strictly prohibited. (see Finding 1)

**H-2 Rural Services** – As an on-going condition of approval, the auto repair business on this site shall offer vehicle services commonly applicable and available to the surrounding rural community. These services shall constitute the major volume of business and any high performance vehicle services offered shall be secondary. (see Finding 2)

**H-3 CARA** – As an on-going condition of approval, the auto repair business on this site shall incorporate the best management practices and other recommendations in the Level 1 Site Evaluation Report prepared by Environmental Technology Consultants (Exhibit #6, Item 9). (see Finding 13)

**H-4 On site Sewage System** – No oils or floor drainage shall be directed into the on-site sewage system. (see Finding 20)

**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a “hearing extension” or “open record” and shall pay the associated fee.**

## **HEARING EXAMINER DECISION AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;

- The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240**.

The fee shall be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

The Board of Commissioners shall hear appeals of decisions based upon the written record before the examiners, the examiner's decision, and any written comments received in the office of the Board within the following submittal deadlines measured from the date of the filing of the appeal:

- Fourteen (14) calendar days for the appellant's initial comments;
- Twenty-eight (28) calendar days for all responding comments; and,
- Thirty-five (35) calendar days for appellant reply comments, which are limited to the issues raised in the respondent's comments.

Written comments shall be limited to arguments asserting error in or support of the examiner decision based upon the evidence presented to the examiner.

Unless otherwise determined by the Board for a specific appeal, the Board shall consider appeals once a month, on a reoccurring day of each month. The day of the month on which appeals are considered shall be consistent from month to month as determined by Board.

The Board may either decide the appeal at the designated meeting or continue the matter to a limited hearing for receipt of oral argument. If continued, the Board of Commissioners shall designate the parties or their representatives to present argument, and permissible length thereof, in a manner calculated to afford a fair hearing of the issues specified by the Board of Commissioners. At the conclusion of its public meeting or limited hearing for receipt of oral legal argument, the Board of Commissioners may affirm, reverse, modify or remand an appealed decision.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan
- Exhibit List

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Community Development Department  
1300 Franklin Street  
P.O. Box 9810**



**Vancouver, WA 98666-9810**  
**Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

**For Staff Only:**

<b>Final Plans Required with Construction Plans</b>	<b>YES</b>	<b>NO</b>
Final Site Plan	<b>X</b>	
Final Landscape Plan:		
-On-site landscape plan	<b>X</b>	
-Right-of-way landscape plan*		<b>X</b>
Final Wetland Plan		<b>X</b>
Final Habitat Plan		<b>X</b>

\*Final right-of-way landscape plan required for projects fronting on arterial and collector streets.

**Note:** If final plan submittals are required, list each plan under Case Notes in Permit Plan for future reference.









# HEARING EXAMINER EXHIBITS

**APPLICATION: ENGLISH CONDITIONAL USE PERMIT**

**CASE NUMBERS: CUP2009-00005; PSR2009-00021; SEP2009-00041;**

**VAR2009-00008; CRA2009-00002**

**Hearing Date: July 23, 2009**

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	5/11/09	Applicant, Minister Glaeser Surveying Inc.	Preliminary Boundary Survey Preliminary Architectural Drawings Preliminary Landscape Plan Preliminary Site Plan
6	5/11/09	Applicant, Minister Glaeser Surveying Inc.	1. Table of Contents 2. Application Form 3. Preapplication Conference Report 4. Developer's GIS Packet 5. Project Narrative 6. Variance Narrative 7. Sales History 8. SEPA Checklist 9. CARA Level I Site Evaluation Report 10. Water Utility Review 11. Health Department Review 12. Archaeological Predetermination 13. Traffic Profile 14. Sight Distance Certification 15. Stormwater Letters 16. Impervious Surface Exhibit 17. Preliminary Boundary Survey 18. Preliminary Architectural Drawings 19. Preliminary Landscape Plan 20. Preliminary Site Plan
7	5/21/09	CC Development Services	Fully Complete Determination

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
8	6/4/09	CC Development Services	Affidavit of Mailing Public Notice
9	6/4/09	CC Development Services	Notice of Type III Development Review Application, Optional SEPA Determination of Non-Significance & Public Hearing
10	6/17/09	Alan Boguslawski, Planner	Early Issues Review
11	6/18/09	Steve Morasch	Letter Regarding Landscaping Requirements
12	6/23/09	Applicant, Minister Glaeser Surveying Inc.	Revised Site Plan, Landscape Plan, & Narrative
13	7/7/09	CC Health Department	REVISED Highly Conditional Health Dept Evaluation
14	7/1/09	CC Development Services	Legal Notice to Paper – Published 7/8/09
15	7/8/09	CC Development Services	Affidavit of Posting
16	7/8/09	CC Development Services	Staff Report written by Alan Boguslawski

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division  
1300 Franklin Street  
Vancouver, WA 98666-9810